

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-vs-

11-CR-6083

ROBERT W. MORAN

Defendant

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This case was referred by text order of the undersigned, entered May 2, 2011, ECF No. 2, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On July 15, 2011, Defendant filed an omnibus motion, ECF No. 52, seeking *inter alia* suppression of a photographic identification. On February 6, 2012, Magistrate Judge Payson filed a Report and Recommendation ("R&R"), ECF No. 115, recommending that the Court deny Defendant's motion to suppress. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, Defendant's application to suppress the photographic identification is denied.

IT IS SO ORDERED.

Dated: Rochester, New York  
March 8, 2012

ENTER:

/s/ Charles J. Siragusa  
CHARLES J. SIRAGUSA  
United States District Judge